

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
9828 North 31st Avenue, Suite C3
Phoenix, Arizona 85051

FINDING OF NO SIGNIFICANT IMPACT

Issuance of a Federal rule under section 10(j) of the ESA to revise the current regulations for the black-footed ferret (*Mustela nigripes*; ferret) Aubrey Valley Experimental Population Area (AVEPA) to encompass a larger area, the Southwest Experimental Population Area (SWEPA), and make a new essentiality determination for the larger SWEPA.

I. Introduction

The Federal Action the USFWS considers here is issuance of a Federal rule under section 10(j) of the Endangered Species Act (ESA) to revise the existing AVEPA to encompass a larger area, the SWEPA, which includes parts of Arizona and identified contiguous Tribal lands in New Mexico and Utah. We prepared an Environmental Assessment to analyze the effects of allowing for ferret reintroductions across a larger area. The Preferred Alternative would facilitate subsequent ferret reintroductions to suitable sites within the SWEPA and prairie dog habitat management activities in potential and active reintroduction sites. Under this proposal, we would replace the AVEPA with the SWEPA.

Alternatives Considered

Preferred Alternative

The USFWS's Preferred Alternative is to establish the SWEPA, under section 10(j) of the ESA, allowing us to reintroduce ferrets as a nonessential experimental population within an area encompassing all potential ferret habitat in Arizona, including sovereign Tribal lands on the Hopi Reservation (excluding Hopi Villages within District 6), the Hualapai Reservation, and the Navajo Nation in its entirety, which includes contiguous areas of the Navajo Nation in New Mexico and Utah. Under this proposal, we would replace the AVEPA with the SWEPA.

We based the SWEPA boundaries on the historical range of Gunnison's and black-tailed prairie dogs in Arizona and on the Navajo Nation, which coincides with the historical range of the ferret.

Having more reintroduction sites across a larger area would enhance our ability to meet and sustain Arizona's ferret recovery goals and contribute to ferret recovery across the species' range. Multiple populations will reduce the vulnerability to state-wide extirpation and likely result in long-term establishment of several populations across a large area, increasing the likelihood of persistence of some populations over time, thus contributing to recovery of the species.

No Action Alternative

Under the No Action Alternative, the USFWS would not revise the existing section 10(j) rule to expand the nonessential experimental status for the ferret in the Southwest but would instead rely

on existing conservation mechanisms (e.g., existing programmatic Safe Harbor Agreement [SHA]) to advance ferret recovery outside of the AVEPA. Other mechanisms are available to the USFWS to facilitate ferret recovery by providing regulatory flexibility to enable ferret reintroductions.

Under the No Action Alternative, monitoring and management activities would be the same as those described in the Preferred Alternative but would occur only at the currently established reintroduction sites, the AVEPA and the contiguous Double O Ranch and the Espee Ranch. The USFWS would work with willing and interested Tribes to enroll Tribal lands through certificates of inclusion under the SHA to advance ferret recovery. These actions would include Tribal lands only in Arizona and on the Navajo Nation in New Mexico and Utah that are suitable for ferret reintroduction and would not involve management by AZGFD. We would assess any potential reintroduction sites on Tribal lands for suitability, and Tribes would manage these areas according to site-specific management plans that include strategies like those described in the Preferred Alternative.

II. Public Participation

The USFWS published the proposed rule in the Federal Register on June 25, 2021, and we accepted comments through August 24, 2021. The draft EA and supporting documents published at [Regulations.gov](https://www.regulations.gov) in Docket No. FWS-R2-ES-2020-0123.

We received 20 comment letters from individuals and nongovernmental organizations. These letters are in the project file in the Arizona Ecological Services Field Office, Flagstaff, Arizona.

III. Determination

Significance, as used in the National Environmental Policy Act, requires considerations of both context and intensity. Context means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. The SWEPA encompasses all potential ferret habitat in Arizona, including sovereign Tribal lands on the Hopi Reservation (excluding Hopi Villages within District 6), the Hualapai Reservation, and the Navajo Nation in its entirety, which includes contiguous areas of the Navajo Nation in New Mexico and Utah.

Intensity refers to the severity of the impacts. We have considered the following regulatory factors in evaluating intensity.

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

The Environmental Assessment found that no adverse long-term impacts to fish and wildlife, sensitive species; listed, endangered, threatened, proposed, and candidate species; or land use are expected to result from the proposed action. Although individual ferrets may be harmed by the proposed action, long-term beneficial impacts to ferrets are anticipated because adding individuals and populations to former portions of the species' range will benefit ferret recovery.

No significant adverse or beneficial effects to water resources, air, cultural resources, socioeconomic, environment, or water resources are expected to result from the proposed action.

2. *The degree to which the proposed action affects public health or safety.*
No effects to public health or safety are expected to result from the proposed action.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*
No adverse or beneficial short- or long-term impacts to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas are expected to result from the proposed action.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
We have no evidence to suggest that the effects on the quality of the human environment are likely to be highly controversial.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
None of the effects of the section 10(j) rule are highly uncertain because we can reasonably anticipate the beneficial effects of the rule on the human environment. None of the effects of implementation of the section 10(j) rule involve unique or unknown risks. The management activities discussed in the 10(j) rule would increase the potential for success at reintroduction sites.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
Future actions would be reviewed on their own merits. Thus, the section 10(j) rule would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*
The proposed section 10(j) rule is not directly related to any other action.
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
The Environmental Assessment has indicated that no adverse impacts to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places; or, significant scientific, cultural, or historical resources are expected to result from the proposed action.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*
The Environmental Assessment has indicated that the only endangered, threatened, proposed, or candidate species the Preferred Alternative is likely to affect is the ferret. Reintroducing a listed species may benefit the species in the wild by adding individuals and populations to former portions of the species' range. However, some reintroduced individuals may not survive the reintroduction process or existing threats at reintroduction sites. The use of the handling protocol would minimize the loss of ferrets. From 1991 through 2019, approximately 0.2% of the ferrets intended for release have

died during capture, handling, or transport. While occasional ferret deaths due to handling have occurred at some ferret release sites, reintroducing ferrets is essential to the species' recovery.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The purpose of the section 10(j) rule is to promote recovery of the ferret, and as such would not violate applicable Federal, State, or local law or requirements imposed for the protection of the environment.

Based upon information contained within the final Environmental Assessment and supporting data in our files, we have determined that this action is not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Specifically, although we identify effects to fish and wildlife, sensitive; and, listed, endangered, threatened, proposed and candidate species, in the Environmental Assessment; the effects to sensitive wildlife are beneficial to neutral and long-term effects to ferrets would be beneficial. This action is not an action that would typically require the development of an Environmental Impact Statement. Accordingly, preparation of an Environmental Impact Statement on the proposed action is not warranted.

Field Supervisor
Arizona Ecological Services Office

ENVIRONMENTAL ACTION STATEMENT (EAS)

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), as well as other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

_____ is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further NEPA documentation is necessary.

XX is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

_____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

_____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policies, regulations, or procedures.

_____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents:

- XX Environmental Assessment
- XX Biological Opinion
- XX Findings Document

Branch Manager, Environmental Review